

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

June 16, 2003
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Doug Reese, Ron Christianson, Bruce DeBlieck, Nancy Houlahan, Rick Fagerlie, Jim Dokken, and David Chapin; Present 8, Absent 1 - Denis Anderson was excused from the meeting.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, Fire Chief Marv Calvin, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

Proposed additions to the agenda included Vannandy's Liquor License, closing of Second Street for Rice Construction Day, and uncontrolled intersections.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of June 2, Rice Hospital Board Minutes of June 4, Municipal Utilities Commission Minutes of June 9, Planning Commission Minutes of June 11, Building Inspection Report for May, Pioneerland Library Board of April 24, Housing and Redevelopment Board Minutes of May 13, and Airport Commission Minutes of May 6 and June 3, 2003. Council Member Christianson seconded the motion, which carried.

At 7:06 p.m. Mayor Heitke opened the hearing for an Ordinance Amending and Supplementing Willmar Municipal Code Sections 6-126 through 6-128 regulating the sale of fireworks, firecrackers, rockets, torpedoes or other explosive contrivances within the City. Fire Chief Calvin explained to the Mayor and Council details of the proposed Ordinance permitting the sale of fireworks in establishments meeting all the requirements stated. A fee schedule is also proposed to cover the criminal records check, plan review and initial inspection. Gary Hanson, Percosious Pyrotechnics, questioned fees. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:10 p.m.

Council Member Reese offered a motion to adopt, assign a number and order final publication of the Ordinance Amending and Supplementing Willmar Municipal Code Sections 6-126 through 6-128. Council Member DeBlieck seconded the motion which carried on a roll call vote of Ayes 7, Noes 0.

At 7:15 p.m. Mayor Heitke opened the hearing on an Ordinance Regulating Peddlers and Transient Merchants in the City of Willmar. Planning and Development Services Director Peterson presented to the Mayor and Council details of the proposed Ordinance. Several citizens appeared before the Mayor and Council to speak in opposition of the Ordinance stating excessive workload, non-business friendly position, unfair, confusing and unworkable language. Upon hearing all those who wished to be heard, Mayor Heitke closed the meeting at 7:40 p.m.

Following discussion, Council Member Reese moved to refer the Ordinance Regulating Peddlers and Transient Merchants in the City of Willmar back to the Community Development Committee for further consideration. Council Member Chapin seconded the motion, which carried on a roll call vote of Ayes 5, Noes 2 – Council Member Christianson and Fagerlie voted “No.”

Mayor Heitke recognized Glenn Bangen, representing the Willmar Blue Line Club, who presented the BLC proposal for a second sheet of ice. Mr. Bangen listed options facing the BLC to improve the facility which included gifting the building to the City in order for the City to construct a refrigerated, concrete ice floor. The BLC's resources would limit them to construct a refrigerated floor with gravel but that would eliminate dry floor events being scheduled at their facility. Council Member Houlahan moved to refer the Blue Line Club's proposal to the Finance Committee for review. Council Member Chapin seconded the motion, which carried.

Mayor Heitke recognized Vince VanHeuveln who had signed up to address the City Council during its scheduled Open Forum. Mr. VanHeuveln expressed concerns regarding the regulation of business in the community. This matter was for information only.

The Finance Committee Report for June 9, 2003, was presented to the Mayor and Council by Council Member Fagerlie. There were five items for Council consideration.

Item No. 1 The Committee reviewed a proposed five-year lease extension with Mid Minnesota Development Commission. The extension included a small rate adjustment to cover increases in general overhead costs. The Committee was recommending that the Council pass a resolution to approve the lease extension as presented and authorize the Mayor and City Administrator to sign the extension.

Resolution No. 1 was introduced by Council Member Fagerlie, seconded by Council Member Dokken, read by Mayor Heike, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into a five-year extension agreement with Mid-Minnesota Development Commission for lease of office space in the City Office Building.

Dated this 16th day of June, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee reviewed the 2003 Data Processing Budget with the recent TNT study received by the Council. There was no additional funding needed and this matter was received for information only.

Item No. 3 The Committee considered a City Computer Use Policy. The Committee was recommending to the Council that the Policy be approved as presented. Council Member Fagerlie moved to approve the recommendation of the Finance Committee with Council Member Dokken seconding the motion, which carried.

Item No. 4 The Committee reviewed the April Rice Hospital Finance report. This matter was for information only.

Item No. 5 The Committee continued its review the 2004 Budget process. This matter was for information only.

The Finance Committee Report for June 9, 2003, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie, seconded by Council Member Dokken, and carried.

The Public Works/Safety Committee Report for June 10, 2003, was presented to the Mayor and Council by Council Member Reese. There were eight items for Council consideration.

Item No. 1 The Committee reviewed the proposed Tobacco-Free Policy recommended by the Community Education and Recreation Board. The issues of determining what activities are considered youth and the \$25.00 fine were discussed. The Committee felt the Policy was viable as presented with the exception of the \$25.00 fine and directed staff to revise the policy using a statement similar to the City of Spicer's – "emphasis is on voluntary compliance."

The Committee was recommend to the Council approval the Tobacco-Free Policy as presented with the revision in No. 3 to state "Emphasis is on voluntary compliance." Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member DeBlieck seconding the motion, which carried.

Item No. 2 Staff updated the Committee on the condition of the eight RBC's at the Waste Water Treatment Plant. In 2000 the Council authorized replacing four of the trains and adding a train to Bay 8, and this work was designed by Bonestroo and construction completed in 2001. Since then the remaining three trains have become semi operational. Staff is requesting the Council consider replacement of the three remaining older trains in order to extend the useful life of the plant.

The Committee was recommending the Council approve the Project and budget as presented and the intent to reimburse. Resolution No. 2 was introduced by Council Member Reese, seconded by Council Member Houlahan, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

PRELIMINARY BUDGET WTP UPGRADES – RBC REPLACEMENT ESTIMATED TOTAL COST \$1,500,000

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|--------------------------|-----------------|----------------------|-----------------------|
| PERSONNEL SERVICES: | | RECEIVABLES: | |
| Overtime Reg. Employees | \$5,000.00 | Other (Revenue Bond) | <u>\$1,500,000.00</u> |
| Salaries Temp. Employees | <u>1,000.00</u> | Total: | \$1,500,000.00 |
| Total: | \$6,000.00 | | |
| SUPPLIES: | | FINANCING: | |
| Office Supplies | \$ 500.00 | Bonds (Revenue) | <u>\$1,500,000.00</u> |
| Small Tools | 1,000.00 | | |
| Motor Fuels/lubricants | 500.00 | | |
| Postage | 500.00 | | |
| Mtce. of Equipment | 15,000.00 | | |
| Mtce. of Other Improve. | 12,000.00 | | |
| General Supplies | <u>2,000.00</u> | | |
| Total: | \$31,500.00 | | |

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|-------------------------|-------------------|
| OTHER SERVICES: | |
| Printing & Publishing | \$ 2,000.00 |
| Mtce. of Other Improve. | 1,250,000.00 |
| Other Services | <u>100,000.00</u> |
| Total | \$1,352,000.00 |

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|-----------------------|------------------|
| OTHER CHARGES: | |
| Professional Services | \$ 37,000.00 |
| Advertising | 500.00 |
| Adm. OH 8 | 63,000.00 |
| Other Charges | <u>10,000.00</u> |
| Total: | \$ 110,500.00 |
| GRAND TOTAL: | \$1,500,000.00 |

Dated this 16th day of June, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member Houlahan, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

ESTABLISHING PROCEDURES RELATING TO COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

(For Resolution in its entirety, see City Council Proceedings
dated June 16, 2003, located in the City Clerk's Office)

Item No. 3 The Committee reviewed mosquito control efforts. It was noted larvicide has been placed in the catch-basins along with various other storm water sources and is effective for 30-45 days. This application method will take place twice this summer. The adulticide will be applied during peak outbreaks or prior to a large outdoor event. This matter was for information only.

Item No. 4 The Committee briefly discussed the statistics compiled from the odor control survey of the Waste Water Treatment Plant since its initiation in late April. Approximately 150 responses were received with 60 percent of the offensive remarks coming from the Kandi Mall/Cash Wise area.

The Committee reviewed pictures and a revised timeline for the biofilter construction based on equipment fabrication and installation schedules. Excavation began in June and the completion date should be mid-August. This matter was for information only.

Item No. 5 Mayor Les Heitke gave an overview of concern for data access by various agencies as it relates to criminal records. This includes a system of information that would be accessible by jurisdictions and also across state lines. A video was also shown highlighting the

new Crimnet Program. This matter was for information only.

Item No. 6 The Committee reviewed the history of research on various sites in Willmar to build a BMX track. Following review of several sites, an area in Swansson Fields just north of Baker Diamond was recommended and a layout reviewed. The Committee was recommending the Council approve the design of the BMX track and location as presented. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion, which carried.

Item No. 7 The Committee was informed by staff that bids will be opened on June 16, 2003, for the Civic Center Locker Room.

Public Works Director Odens presented to the Mayor and Council bid tabulations for the Civic Center Locker Room Addition. It was noted there were six bids received and the apparent low bidder was Cornerstone of Willmar, Inc. Following discussion, Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0, Abstention 1 – Council Member Chapin.

RESOLUTION NO. 4

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the bid of Cornerstone of Willmar, Inc. of Willmar, Minnesota, and be it further resolved that the Mayor and City Administrator are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$220,000.00.

Dated this 16th day of June, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 8 Mayor Les Heitke expressed concern regarding a number of provisions in the State's new Handgun Conceal and Carry Laws. This matter was for information only.

The Public Works/Safety Committee Report for June 10, 2003, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member DeBlieck, and carried.

Planning and Development Services Director Peterson presented to the Mayor and Council an Ordinance to Rezone Certain Property from R-2 to LB. It was noted this property was developed with assisted living and office facilities, and a new development is proposed to include medical/professional uses. The Planning Commission recommends the rezoning as proposed. Council Member Reese offered a motion to introduce the Ordinance to Rezone and schedule a hearing on July 7, 2003. Council Member Fagerlie seconded the motion, which carried.

City Administrator Schmit presented to the Mayor and Council a Resolution authorizing the issuance of \$600,000.00 General Obligation Improvement Bonds for the 2003 street and other improvements and scheduling an Ordinance hearing on July 7, 2003. Following discussion, Resolution No. 5 was introduced by Council Member Christianson, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 5

CALLING FOR PUBLIC HEARING ON AN ORDINANCE AUTHORIZING
THE ISSUANCE OF \$600,000 GENERAL OBLIGATION IMPROVEMENT BONDS,
SERIES 2003A AND LEVYING TAXES FOR THE PAYMENT THEREOF

(For Resolution in its entirety, see City Council Proceedings
dated June 16, 2003, located in the City Clerk's Office)

City Administrator Schmit presented to the Mayor and Council a Resolution authorizing the issuance of \$1,560,000 General Obligation Waste Treatment Plant Refunding and scheduling an Ordinance hearing on July 7, 2003. Following discussion, Resolution No. 6 was introduced by Council Member Christianson, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 6

CALLING FOR PUBLIC HEARING ON AN ORDINANCE AUTHORIZING
THE ISSUANCE OF \$1,560,000 GENERAL OBLIGATION WASTE TREATMENT PLANT
REFUNDING BONDS, SERIES 2003B

(For Resolution in its entirety, see City Council Proceedings
dated June 16, 2003, located in the City Clerk's Office)

Announcements for Council Committee meeting dates were as follows: Finance, June 10; Public Works/Safety, July 1; and Community Development, July 2, 2003.

City Clerk Halliday presented to the Mayor and Council an On-sale Liquor License application for Vannandy's located at 1300 Lakeland Drive Southeast. Following discussion, Council Member Houlahan offered a motion to approve the On-sale Liquor License for Vannandy's contingent on the City Attorney's review and approval of the Certificate of Insurance and manager residency requirement. Council Member DeBlieck seconded the motion, which carried on a roll call vote of Ayes 6, Noes 1 – Council Member Chapin voted "No."

Public Works Director Odens informed the Mayor and Council that Rice Hospital has requested 2nd Street Southwest be closed on June 21, 2003, for Rice Construction Day. Following discussion, Council Member Reese moved to approve the request as presented with Council Member Dokken seconding the motion, which carried.

Council Member DeBlieck discussed certain uncontrolled intersections with a number of accidents and complaints. Following discussion, Council Member DeBlieck moved to refer the matter to the Public Works/Safety Committee with Council Member Dokken seconding the motion, which carried.

Council Member Chapin requested to be excused from the July 7, 2003, City Council meeting.

There being no further business to come before the Council, the meeting adjourned at 9:41 p.m. upon motion by Council Member Reese, seconded by Council Member Fagerlie, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL